

Conditional Use Permit

Please see the Community Development Department [home](#) page for the fee schedule.

[Application Form](#)

[Supplemental form](#)

You will need this form in addition to the application form.

[Project Worksheet](#)

You will need this form in addition to the application form.

CONDITIONAL USE PERMITS

Overview

The City of Eureka is divided into various zoning districts. Each zoning district allows for a series of uses some of which are permitted by right, and some are conditionally permitted. All uses, which are conditionally permitted, required a public hearing and an approved Conditional Use Permit.

The purpose of a Conditional Use Permit is to allow compatible uses which need special consideration (such as a church in a residential zone), and to ensure that the project will not cause problems for

1. the neighborhood;
2. city or state facilities such as roads, sewer or water systems, schools and parks; or,
3. public services such as police and fire protection. The project must also not cause serious public health, safety or welfare problems or have an adverse impact on the environment.

How to Apply

Application materials are available at the Community Development Department, Third floor, City Hall. The department staff can assist you with the materials needed for a complete application packet. Once you have put together a complete application packet, return the materials to the department for processing.

The Application Review Process

Step 1: Application acceptance/Department review

Once your application has been accepted and fees collected, the department staff will perform a preliminary review of the application to determine if the application is complete. The review will focus on the request in order to accurately describe your project in the public notice and to the decision maker. Should your application be found incomplete, you will receive a notice indicating

what items must be submitted before processing can continue.

Step 2: Referrals

Once the application has been found complete, the assigned planner will send copies of your application materials to any other city department or public agency having interest in your project. Each agency or department is given a maximum time period in which to respond. If a response is not received within the review period, staff may assume that the project conforms to the requirements of the department or agency concerned.

Step 3: Staff Review and Reporting

Once all agency comments have been received and a site visit performed, staff will conduct an environmental review as required by state law. In addition, staff will prepare a written report to the Planning Commission that discusses the legal findings and presents staff=s recommendations. Those findings will determine if your proposed use is

1. consistent with the purpose of the zoning regulations;
2. not going to be detrimental to the public health and safety or be injurious to other properties; and,
3. consistent with the City=s General Plan or Local Coastal Plan. A copy of staff=s report including any recommended conditions of approval will be sent to you for review and comment.

Step 4: Public Notice and Hearing

A notice of public hearing before the Planning Commission will be sent to you and all property owners within 300 feet of your property. The notice, which must be mailed at least 10 days prior to the hearing before the Planning Commission, will state the date, time and place for the public hearing.

The Planning Commission has the power to approve, approve with conditions, or deny your Conditional Use Permit. The Commission will take into account all comments from you, City staff, and the public before making their decision.

Step 5: Appeals

The applicant or any other person may appeal the Planning Commission decision to the City Council, provided that the appeal is filed with the City Clerk within 10 calendar days of the decision. Appeals must be submitted in writing on forms provided by the City Clerk and be accompanied by the required fees (check with the Community Development Department or the City Clerk for information regarding fees or the appeal process). The City Council=s decision will be final.

Expiration of Permits

Once your Conditional Use Permit is effective, you have one year to obtain your building permit and to commence with construction. If you believe that you will not be able to start construction prior to the Conditional Use Permit expiring, you

may request a one time one year extension of your permit. Please note that applications for extensions must be submitted before the expiration date, and may be granted only when the circumstances and conditions of the original approval have not changed.

How to Get Help

If you are having difficulties preparing your application, call or visit the Community Development Department and discuss your project with the department staff. If you are still confused over the application procedure, you may wish to hire a consultant; such as an engineer, land surveyor, or professional planner. A listing of qualified professionals is available in the yellow pages of the phone directory.